

IN THE UNITED STATES DISTRICT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
Plaintiff,                  )  
                                  )  
vs.                            )         Case No. 4:17CR0036 RWS  
                                  )  
JUSTIN X. CARROLL,        )  
                                  )  
Defendant.                 )

DEFENDANT'S RESPONSE TO GOVERNMENT MOTION [DOC. #57]  
TO MAKE EXHIBIT "A" AVAILABLE TO PUBLIC AND DEFENDANT'S MOTION  
TO SEAL EXHIBITS TO SENTENCING MEMORANDUM

Comes now Defendant Justin Carroll, by and through counsel Paul J. D'Agrosa and in response to the Government's Motion to Make Exhibit "A" available to the public, states as follows:

1. Defendant filed under seal his sentencing memorandum. The memorandum contains three (3) exhibits, also filed under seal. A copy was provided to the government.
2. The government for inexplicable reasons now moves to unseal the letters contained in Exhibit A to the sentencing memorandum, citing Local Rule 83-13.5(B)(4).
3. Counsel is unaware of any other case in which the government has moved to unseal personal letters, written to the Court as part of a sealed memorandum. To counsel's knowledge, there is no independent request by the press or the public to access the letters or any other portion of the sentencing memorandum.
4. Counsel can therefore only speculate as to the government's motivation to have the letters unsealed.

5. In an overabundance of caution, counsel requests this Court seal Exhibits A, B and C of the sentencing memorandum, consistent with Local Rule 83-13.5(B)(4). The letters contain intimate details about Defendant's personal background. Unsealing the letters will result in an unreasonable violation of Defendant's privacy.

6. There is no overriding public interest in having the letters made available to the public.

7. Shaming the Defendant or those who chose to write a letter (all knowing of Defendant's conduct herein) is not a compelling reason to unseal the letters.

WHEREFORE, for the foregoing reasons, Defendant through counsel moves this Court seal Exhibits A, B and C to Defendant's sentencing memorandum.

Respectfully submitted,

LAW OFFICES OF  
WOLFF & D'AGROSA

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CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of October, 2017, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon the following: Mr. Robert Livergood, Assistant U.S. Attorney.

/s/Paul J. D'Agrosa